



General Assembly

January Session, 2007

Amendment

LCO No. 9012

SB0147909012HDO

Offered by:
REP. DYSON, 94th Dist.

To: Subst. Senate Bill No. 1479

File No. 628

Cal. No. 649

"AN ACT CONCERNING RULES OF COURT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) Notwithstanding any other
4 provision of law including, but not limited to, subsections (t) and (u) of
5 section 1-1, section 54-130a and section 54-194 of the general statutes,
6 (1) the sentence of any person convicted of a capital felony and
7 sentenced prior to the effective date of this section to a sentence of
8 death in accordance with section 53a-46a of the general statutes in
9 effect prior to the effective date of this section is commuted to a
10 sentence of life imprisonment without the possibility of release, as
11 defined in section 53a-35b of the general statutes, as amended by this
12 act, on the effective date of this section, and (2) the punishment or
13 penalty for any person who (A) is convicted prior to, on or after the
14 effective date of this section of a capital felony committed prior to the
15 effective date of this section, and (B) is sentenced or resentenced on or
16 after the effective date of this section, shall be a sentence of life

17 imprisonment without the possibility of release, as defined in section
18 53a-35b of the general statutes, as amended by this act, if such offense
19 was committed on or after October 1, 1985, and a sentence of life
20 imprisonment, as defined in section 53a-35b of the general statutes, as
21 amended by this act, if such offense was committed prior to October 1,
22 1985. For the purposes of this section, "capital felony" means a
23 violation of section 53a-54b of the general statutes in effect prior to the
24 effective date of this section.

25 Sec. 502. Section 53a-54b of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective from passage*):

27 A person is guilty of [a capital felony] murder with special
28 circumstances who is convicted of any of the following: (1) Murder of a
29 member of the Division of State Police within the Department of Public
30 Safety or of any local police department, a chief inspector or inspector
31 in the Division of Criminal Justice, a state marshal who is exercising
32 authority granted under any provision of the general statutes, a
33 judicial marshal in performance of the duties of a judicial marshal, a
34 constable who performs criminal law enforcement duties, a special
35 policeman appointed under section 29-18, a conservation officer or
36 special conservation officer appointed by the Commissioner of
37 Environmental Protection under the provisions of section 26-5, an
38 employee of the Department of Correction or a person providing
39 services on behalf of said department when such employee or person
40 is acting within the scope of such employee's or person's employment
41 or duties in a correctional institution or facility and the actor is
42 confined in such institution or facility, or any firefighter, while such
43 victim was acting within the scope of such victim's duties; (2) murder
44 committed by a defendant who is hired to commit the same for
45 pecuniary gain or murder committed by one who is hired by the
46 defendant to commit the same for pecuniary gain; (3) murder
47 committed by one who has previously been convicted of intentional
48 murder or of murder committed in the course of commission of a
49 felony; (4) murder committed by one who was, at the time of
50 commission of the murder, under sentence of life imprisonment; (5)

51 murder by a kidnapper of a kidnapped person during the course of the
52 kidnapping or before such person is able to return or be returned to
53 safety; (6) murder committed in the course of the commission of sexual
54 assault in the first degree; (7) murder of two or more persons at the
55 same time or in the course of a single transaction; or (8) murder of a
56 person under sixteen years of age.

57 Sec. 503. Section 53a-35a of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective from passage*):

59 For any felony committed on or after [July 1, 1981] the effective date
60 of this section, the sentence of imprisonment shall be a definite
61 sentence and the term shall be fixed by the court as follows: (1) For [a
62 capital felony] the class A felony of murder with special circumstances,
63 a term of life imprisonment without the possibility of release; [unless a
64 sentence of death is imposed in accordance with section 53a-46a;] (2)
65 for the class A felony of murder, a term not less than twenty-five years
66 nor more than life; (3) for a class A felony other than murder, a term
67 not less than ten years nor more than twenty-five years; (4) for the class
68 B felony of manslaughter in the first degree with a firearm under
69 section 53a-55a, a term not less than five years nor more than forty
70 years; (5) for a class B felony other than manslaughter in the first
71 degree with a firearm under section 53a-55a, a term not less than one
72 year nor more than twenty years, except that for a conviction under
73 section 53a-59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-
74 134(a)(2), the term shall be not less than five years nor more than
75 twenty years; (6) for a class C felony, a term not less than one year nor
76 more than ten years, except that for a conviction under section 53a-56a,
77 the term shall be not less than three years nor more than ten years; (7)
78 for a class D felony, a term not less than one year nor more than five
79 years, except that for a conviction under section 53a-60b or 53a-217, the
80 term shall be not less than two years nor more than five years, for a
81 conviction under section 53a-60c, the term shall be not less than three
82 years nor more than five years, and for a conviction under section 53a-
83 216, the term shall be five years; and (8) for an unclassified felony, a
84 term in accordance with the sentence specified in the section of the

85 general statutes that defines the crime.

86 Sec. 504. Section 53a-35b of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective from passage*):

88 [A] For the purposes of this title and titles 51 and 54, (1) a sentence
89 of [imprisonment for life shall mean] life imprisonment means a
90 definite sentence of sixty years, [unless the] and (2) a sentence [is] of
91 life imprisonment without the possibility of release, imposed pursuant
92 to [subsection (g) of section 53a-46a, in which case the sentence shall
93 be] subdivision (1) of section 53a-35a, as amended by this act, means
94 imprisonment for the remainder of the defendant's natural life without
95 the possibility of parole, sentence reduction, temporary leave, furlough
96 or any other kind of post-conviction conditional or absolute release.

97 Sec. 505. Subsection (a) of section 53a-45 of the general statutes is
98 repealed and the following is substituted in lieu thereof (*Effective from*
99 *passage*):

100 (a) Murder is punishable as a class A felony in accordance with
101 subdivision (2) of section 53a-35a, as amended by this act, unless it is [a
102 capital felony] murder with special circumstances under section 53a-
103 54b, as amended by this act, punishable as a class A felony in
104 accordance with subdivision (1) of section 53a-35a, as amended by this
105 act, or murder under section 53a-54d.

106 Sec. 506. Subsection (c) of section 53a-54a of the general statutes is
107 repealed and the following is substituted in lieu thereof (*Effective from*
108 *passage*):

109 (c) Murder is punishable as a class A felony in accordance with
110 subdivision (2) of section 53a-35a, as amended by this act, unless it is [a
111 capital felony] murder with special circumstances under section 53a-
112 54b, as amended by this act, punishable as a class A felony in
113 accordance with subdivision (1) of section 53a-35a, as amended by this
114 act, or murder under section 53a-54d.

115 Sec. 507. Subsection (m) of section 10-145b of the general statutes is
116 repealed and the following is substituted in lieu thereof (*Effective from*
117 *passage*):

118 (m) (1) The State Board of Education may revoke any certificate,
119 authorization or permit issued pursuant to sections 10-144o to 10-149,
120 inclusive, for any of the following reasons: (A) The holder of the
121 certificate, authorization or permit obtained such certificate,
122 authorization or permit through fraud or misrepresentation of a
123 material fact; (B) the holder has persistently neglected to perform the
124 duties for which the certificate, authorization or permit was granted;
125 (C) the holder is professionally unfit to perform the duties for which
126 the certificate, authorization or permit was granted; (D) the holder is
127 convicted in a court of law of a crime involving moral turpitude or of
128 any other crime of such nature that in the opinion of the board
129 continued holding of a certificate, authorization or permit by the
130 person would impair the standing of certificates, authorizations or
131 permits issued by the board; or (E) other due and sufficient cause. The
132 State Board of Education shall revoke any certificate, authorization or
133 permit issued pursuant to said sections if the holder is found to have
134 intentionally disclosed specific questions or answers to students or
135 otherwise improperly breached the security of any administration of a
136 state-wide examination pursuant to section 10-14n. In any revocation
137 proceeding pursuant to this section, the State Board of Education shall
138 have the burden of establishing the reason for such revocation by a
139 preponderance of the evidence. Revocation shall be in accordance with
140 procedures established by the State Board of Education pursuant to
141 chapter 54.

142 (2) When the Commissioner of Education is notified, pursuant to
143 section 10-149a or 17a-101i that a person holding a certificate,
144 authorization or permit issued by the State Board of Education under
145 the provisions of sections 10-144o to 10-149, inclusive, has been
146 convicted of (A) a capital felony, pursuant to section 53a-54b in effect
147 prior to the effective date of this section, (B) arson murder, pursuant to
148 section 53a-54d, (C) a class A felony, (D) a class B felony, except a

149 violation of section 53a-122, 53a-252 or 53a-291, (E) a crime involving
150 an act of child abuse or neglect as described in section 46b-120, or (F) a
151 violation of section 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-
152 72b, 53a-73a, 53a-88, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-
153 196c, 53a-216, 53a-217b or 21a-278 or subsection (a) of section 21a-277,
154 any certificate, permit or authorization issued by the State Board of
155 Education and held by such person shall be deemed revoked and the
156 commissioner shall notify such person of such revocation, provided
157 such person may request reconsideration pursuant to regulations
158 adopted by the State Board of Education, in accordance with the
159 provisions of chapter 54.

160 (3) The State Board of Education may deny an application for a
161 certificate, authorization or permit for any of the following reasons: (A)
162 The applicant seeks to obtain a certificate, authorization or permit
163 through fraud or misrepresentation of a material fact; (B) the applicant
164 has been convicted in a court of law of a crime involving moral
165 turpitude or of any other crime of such nature that in the opinion of
166 the board issuance of a certificate, authorization or permit would
167 impair the standing of certificates, authorizations or permits issued by
168 the board; or (C) other due and sufficient cause. Any applicant denied
169 a certificate, authorization or permit shall be notified in writing of the
170 reasons for denial. Any applicant denied a certificate, authorization or
171 permit may request a review of such denial by the State Board of
172 Education.

173 Sec. 508. Section 10-145i of the general statutes is repealed and the
174 following is substituted in lieu thereof (*Effective from passage*):

175 Notwithstanding the provisions of sections 10-144o to 10-146b,
176 inclusive, and 10-149, the State Board of Education shall not issue or
177 reissue any certificate, authorization or permit pursuant to said
178 sections if (1) the applicant for such certificate, authorization or permit
179 has been convicted of any of the following: (A) A capital felony, as
180 defined in section 53a-54b in effect prior to the effective date of this
181 section; (B) arson murder, as defined in section 53a-54d; (C) any class

182 A felony; (D) any class B felony except a violation of section 53a-122,
183 53a-252 or 53a-291; (E) a crime involving an act of child abuse or
184 neglect as described in section 46b-120; or (F) a violation of section 53-
185 21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88,
186 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-
187 217b or 21a-278 or a violation of subsection (a) of section 21a-277, and
188 (2) the applicant completed serving the sentence for such conviction
189 within the five years immediately preceding the date of the
190 application.

191 Sec. 509. Subsection (a) of section 46b-127 of the general statutes is
192 repealed and the following is substituted in lieu thereof (*Effective from*
193 *passage*):

194 (a) The court shall automatically transfer from the docket for
195 juvenile matters to the regular criminal docket of the Superior Court
196 the case of any child charged with the commission of a capital felony
197 under section 53a-54b in effect prior to the effective date of this section,
198 a class A or B felony or a violation of section 53a-54d, provided such
199 offense was committed after such child attained the age of fourteen
200 years and counsel has been appointed for such child if such child is
201 indigent. Such counsel may appear with the child but shall not be
202 permitted to make any argument or file any motion in opposition to
203 the transfer. The child shall be arraigned in the regular criminal docket
204 of the Superior Court at the next court date following such transfer,
205 provided any proceedings held prior to the finalization of such transfer
206 shall be private and shall be conducted in such parts of the courthouse
207 or the building wherein court is located as shall be separate and apart
208 from the other parts of the court which are then being held for
209 proceedings pertaining to adults charged with crimes. The file of any
210 case so transferred shall remain sealed until the end of the tenth
211 working day following such arraignment unless the state's attorney
212 has filed a motion pursuant to this subsection, in which case such file
213 shall remain sealed until the court makes a decision on the motion. A
214 state's attorney may, not later than ten working days after such
215 arraignment, file a motion to transfer the case of any child charged

216 with the commission of a class B felony or a violation of subdivision (2)
217 of subsection (a) of section 53a-70 to the docket for juvenile matters for
218 proceedings in accordance with the provisions of this chapter. The
219 court sitting for the regular criminal docket shall, after hearing and not
220 later than ten working days after the filing of such motion, decide such
221 motion.

222 Sec. 510. Subsection (a) of section 46b-133 of the general statutes is
223 repealed and the following is substituted in lieu thereof (*Effective from*
224 *passage*):

225 (a) Nothing in this part shall be construed as preventing the arrest of
226 a child, with or without a warrant, as may be provided by law, or as
227 preventing the issuance of warrants by judges in the manner provided
228 by section 54-2a, as amended by this act, except that no child shall be
229 taken into custody on such process except on apprehension in the act,
230 or on speedy information, or in other cases when the use of such
231 process appears imperative. Whenever a child is arrested and charged
232 with a crime, such child may be required to submit to the taking of his
233 photograph, physical description and fingerprints. Notwithstanding
234 the provisions of section 46b-124, the name, photograph and custody
235 status of any child arrested for the commission of a capital felony
236 under section 53a-54b in effect prior to the effective date of this section
237 or class A felony may be disclosed to the public.

238 Sec. 511. Subsection (c) of section 51-36 of the general statutes is
239 repealed and the following is substituted in lieu thereof (*Effective from*
240 *passage*):

241 (c) (1) In any case in which a person has been convicted of a felony,
242 other than a capital felony under section 53a-54b in effect prior to the
243 effective date of this section or murder with special circumstances
244 under section 53a-54b, as amended by this act, in effect on or after the
245 effective date of this section, the official records of evidence or judicial
246 proceedings in the court may be destroyed upon the expiration of
247 twenty years from the date of imposition of the sentence in such case

248 or upon the expiration of the sentence imposed upon such person,
249 whichever is later.

250 (2) In any case in which a person has been convicted after trial of a
251 capital felony under section 53a-54b in effect prior to the effective date
252 of this section or murder with special circumstances under section 53a-
253 54b, as amended by this act, in effect on or after the effective date of
254 this section, the official records of evidence or judicial proceedings in
255 the court may be destroyed upon the expiration of seventy-five years
256 from the date of imposition of the sentence in such case.

257 (3) In any case in which a person has been found not guilty, or in
258 any case that has been dismissed or was not prosecuted, the court may
259 order the destruction or disposal of all exhibits entered in such case
260 upon the expiration of ninety days from the date of final disposition of
261 such case, unless a prior disposition of such exhibits has been ordered
262 pursuant to section 54-36a. In any case in which a nolle has been
263 entered, the court may order the destruction or disposal of all exhibits
264 entered in such case upon the expiration of thirteen months from the
265 date of final disposition of such case. Not less than thirty days prior to
266 the scheduled destruction or disposal of exhibits under this
267 subdivision, the clerk of the court shall send notice to all parties and
268 any party may request a hearing on the issue of such destruction or
269 disposal before the court in which the matter is pending.

270 (4) In any case in which a person has been convicted of a
271 misdemeanor or has been adjudicated a youthful offender, the court
272 may order the destruction or disposal of all exhibits entered in such
273 case upon the expiration of ten years from the date of imposition of the
274 sentence in such case or upon the expiration of the sentence imposed
275 on such person, whichever is later, unless a prior disposition of such
276 exhibits has been ordered pursuant to section 54-36a. Not less than
277 thirty days prior to the scheduled destruction or disposal of exhibits
278 under this subdivision, the clerk of the court shall send notice to all
279 parties and any party may request a hearing on the issue of such
280 destruction or disposal before the court in which the matter is pending.

281 (5) In any case in which a person is charged with multiple offenses,
282 no destruction or disposal of exhibits may be ordered under this
283 subsection until the longest applicable retention period under this
284 subsection has expired. The provisions of this subdivision and
285 subdivisions (3), (4) and (6) of this subsection shall apply to any
286 criminal or motor vehicle case disposed of before, on or after October
287 1, 2006.

288 (6) The retention period for the official records of evidence and
289 exhibits in any habeas corpus proceeding, petition for a new trial or
290 other proceeding arising out of a criminal case in which a person has
291 been convicted shall be the same as the applicable retention period
292 under this subsection for the criminal case from which such
293 proceeding or petition arose.

294 (7) For the purposes of this subsection, "sentence" includes any
295 period of incarceration, parole, special parole or probation.

296 Sec. 512. Subsection (b) of section 51-199 of the general statutes is
297 repealed and the following is substituted in lieu thereof (*Effective from*
298 *passage*):

299 (b) The following matters shall be taken directly to the Supreme
300 Court: (1) Any matter brought pursuant to the original jurisdiction of
301 the Supreme Court under section 2 of article sixteen of the
302 amendments to the Constitution; (2) an appeal in any matter where the
303 Superior Court declares invalid a state statute or a provision of the
304 state Constitution; (3) an appeal in any criminal action involving a
305 conviction for a capital felony [,] under section 53a-54b in effect prior
306 to the effective date of this section, a class A felony [,] or any other
307 felony, including any persistent offender status, for which the
308 maximum sentence which may be imposed exceeds twenty years; [(4)
309 review of a sentence of death pursuant to section 53a-46b; (5)] (4) any
310 election or primary dispute brought to the Supreme Court pursuant to
311 section 9-323 or 9-325; [(6)] (5) an appeal of any reprimand or censure
312 of a probate judge pursuant to section 45a-65; [(7)] (6) any matter

313 regarding judicial removal or suspension pursuant to section 51-51j;
314 [(8)] (7) an appeal of any decision of the Judicial Review Council
315 pursuant to section 51-51r; [(9)] (8) any matter brought to the Supreme
316 Court pursuant to section 52-265a; [(10)] (9) writs of error; and [(11)]
317 (10) any other matter as provided by law.

318 Sec. 513. Section 51-246 of the general statutes is repealed and the
319 following is substituted in lieu thereof (*Effective from passage*):

320 In the trial of any [capital case or any case involving imprisonment
321 for life] offense punishable by life imprisonment or life imprisonment
322 without the possibility of release, the court may, in its discretion,
323 require the jury to remain together in the charge of judicial marshals
324 during the trial and until the jury is discharged by the court from
325 further consideration of the case.

326 Sec. 514. Section 51-286c of the general statutes is repealed and the
327 following is substituted in lieu thereof (*Effective from passage*):

328 The state's attorney for any judicial district may employ one or more
329 detectives to investigate for the purpose of discovering the
330 perpetrators of any crime committed within this state, whenever the
331 penalty for such crime is [capital punishment or imprisonment in the
332 Connecticut Correctional Institution, Somers] life imprisonment or life
333 imprisonment without the possibility of release. The expenses incurred
334 in the employment of such detectives shall be paid from the State
335 Treasury on an order from the state's attorney employing them.

336 Sec. 515. Subsection (a) of section 52-434 of the general statutes is
337 repealed and the following is substituted in lieu thereof (*Effective from*
338 *passage*):

339 (a) (1) Each judge of the Supreme Court, each judge of the Appellate
340 Court, each judge of the Superior Court and each judge of the Court of
341 Common Pleas who ceases or has ceased to hold office because of
342 retirement other than under the provisions of section 51-49 and who is
343 an elector and a resident of this state shall be a state referee for the

344 remainder of such judge's term of office as a judge and shall be eligible
345 for appointment as a state referee during the remainder of such judge's
346 life in the manner prescribed by law for the appointment of a judge of
347 the court of which such judge is a member. The Superior Court may
348 refer any civil, nonjury case or with the written consent of the parties
349 or their attorneys, any civil jury case pending before the court in which
350 the issues have been closed to a judge trial referee who shall have and
351 exercise the powers of the Superior Court in respect to trial, judgment
352 and appeal in the case, and any proceeding resulting from a demand
353 for a trial de novo pursuant to subsection (e) of section 52-549z may be
354 referred without the consent of the parties to a judge trial referee who
355 has been specifically designated to hear such proceedings pursuant to
356 subsection (b) of this section. The Superior Court may, with the
357 consent of the parties or their attorneys, refer any criminal case to a
358 judge trial referee who shall have and exercise the powers of the
359 Superior Court in respect to trial, judgment, sentencing and appeal in
360 the case, except that the Superior Court may, without the consent of
361 the parties or their attorneys, (A) refer any criminal case, other than a
362 criminal jury trial, to a judge trial referee assigned to a geographical
363 area criminal court session, and (B) refer any criminal case, other than
364 a class A or B felony or capital felony under section 53a-54b in effect
365 prior to the effective date of this section, to a judge trial referee to
366 preside over the jury selection process and any voir dire examination
367 conducted in such case, unless good cause is shown not to refer.

368 (2) Each judge of the Circuit Court who has ceased to hold office
369 because of retirement other than under the provisions of section 51-49
370 and who is an elector and a resident of this state shall be a state referee
371 for the remainder of such judge's term of office as a judge and shall be
372 eligible for appointment as a state referee during the remainder of such
373 judge's life in the manner prescribed by law for the appointment of a
374 judge of the court of which such judge is a member, to whom the
375 Superior Court may, with the written consent of the parties or their
376 attorneys, refer any case pending in court in which the issues have
377 been closed and which the judges of the Superior Court may establish

378 by rule to be the kind of case which may be heard by such referees
379 who have been appointed judge trial referees pursuant to subsection
380 (b) of this section. The judge trial referee shall hear any such case so
381 referred and report the facts to the court by which the case was
382 referred.

383 (3) Each judge of the Juvenile Court who ceases or has ceased to
384 hold office because of retirement other than under the provisions of
385 section 51-49 and who is an elector and a resident of this state shall be
386 a state referee for the remainder of such judge's term of office as a
387 judge and shall be eligible for appointment as a state referee during the
388 remainder of such judge's life in the manner prescribed by law for the
389 appointment of a judge of the court of which such judge is a member,
390 to whom a judge before whom any juvenile matter is pending may,
391 with the written consent of the child concerned, either of such child's
392 parents, or such child's guardian or attorney, refer any juvenile matter
393 pending, provided such referee has been appointed a judge trial
394 referee specifically designated to hear juvenile cases pursuant to
395 subsection (b) of this section. The judge trial referee shall hear any
396 matter so referred and report the facts to the court for the district from
397 which the matter was referred.

398 (4) In addition to the judge trial referees who are appointed
399 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief
400 Justice may appoint, from qualified members of the bar of the state,
401 who are electors and residents of this state, as many state referees as
402 the Chief Justice may from time to time deem advisable or necessary.
403 No appointment of a member of the bar may be for a term of more
404 than three years. Notwithstanding the provisions of subsection (f) of
405 this section, state referees appointed by the Chief Justice from
406 members of the bar shall receive such reasonable compensation and
407 expenses as may be determined by the Chief Justice. The Superior
408 Court may appoint a state referee pursuant to this subdivision to take
409 such evidence as it directs in any civil, nonjury case including, but not
410 limited to, appeals under section 8-8. Any such state referee shall
411 report on such evidence to the court with any findings of fact. The

412 report shall constitute a part of the proceeding upon which the
413 determination of the court shall be made.

414 Sec. 516. Subsection (b) of section 53a-25 of the general statutes is
415 repealed and the following is substituted in lieu thereof (*Effective from*
416 *passage*):

417 (b) Felonies are classified for the purposes of sentence as follows: (1)
418 Class A, (2) class B, (3) class C, (4) class D, and (5) unclassified. [and (6)
419 capital felonies.]

420 Sec. 517. Subsection (b) of section 53a-28 of the general statutes is
421 repealed and the following is substituted in lieu thereof (*Effective from*
422 *passage*):

423 (b) [Except as provided in section 53a-46a, when] Whenever a
424 person is convicted of an offense, the court shall impose one of the
425 following sentences: (1) A term of imprisonment; or (2) a sentence
426 authorized by section 18-65a or 18-73; or (3) a fine; or (4) a term of
427 imprisonment and a fine; or (5) a term of imprisonment, with the
428 execution of such sentence of imprisonment suspended, entirely or
429 after a period set by the court, and a period of probation or a period of
430 conditional discharge; or (6) a term of imprisonment, with the
431 execution of such sentence of imprisonment suspended, entirely or
432 after a period set by the court, and a fine and a period of probation or a
433 period of conditional discharge; or (7) a fine and a sentence authorized
434 by section 18-65a or 18-73; or (8) a sentence of unconditional discharge;
435 or (9) a term of imprisonment and a period of special parole as
436 provided in section 54-125e.

437 Sec. 518. Subsection (a) of section 53a-30 of the general statutes is
438 repealed and the following is substituted in lieu thereof (*Effective from*
439 *passage*):

440 (a) When imposing sentence of probation or conditional discharge,
441 the court may, as a condition of the sentence, order that the defendant:
442 (1) Work faithfully at a suitable employment or faithfully pursue a

443 course of study or of vocational training that will equip the defendant
444 for suitable employment; (2) undergo medical or psychiatric treatment
445 and remain in a specified institution, when required for that purpose;
446 (3) support the defendant's dependents and meet other family
447 obligations; (4) make restitution of the fruits of the defendant's offense
448 or make restitution, in an amount the defendant can afford to pay or
449 provide in a suitable manner, for the loss or damage caused thereby
450 and the court may fix the amount thereof and the manner of
451 performance; (5) if a minor, (A) reside with the minor's parents or in a
452 suitable foster home, (B) attend school, and (C) contribute to the
453 minor's own support in any home or foster home; (6) post a bond or
454 other security for the performance of any or all conditions imposed; (7)
455 refrain from violating any criminal law of the United States, this state
456 or any other state; (8) if convicted of a misdemeanor or a felony, other
457 than a capital felony under section 53a-54b in effect prior to the
458 effective date of this section, a class A felony or a violation of section
459 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or
460 any offense for which there is a mandatory minimum sentence which
461 may not be suspended or reduced by the court, and any sentence of
462 imprisonment is suspended, participate in an alternate incarceration
463 program; (9) reside in a residential community center or halfway
464 house approved by the Commissioner of Correction, and contribute to
465 the cost incident to such residence; (10) participate in a program of
466 community service labor in accordance with section 53a-39c; (11)
467 participate in a program of community service in accordance with
468 section 51-181c; (12) if convicted of a violation of subdivision (2) of
469 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
470 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)
471 if convicted of a criminal offense against a victim who is a minor, a
472 nonviolent sexual offense or a sexually violent offense, as defined in
473 section 54-250, or of a felony that the court finds was committed for a
474 sexual purpose, as provided in section 54-254, register such person's
475 identifying factors, as defined in section 54-250, with the
476 Commissioner of Public Safety when required pursuant to section 54-
477 251, 54-252 or 54-253, as the case may be; (14) be subject to electronic

478 monitoring, which may include the use of a global positioning system;
479 (15) if convicted of a violation of section 46a-58, 53-37a, 53a-181j, 53a-
480 181k or 53a-181l, participate in an anti-bias crime education program;
481 (16) if convicted of a violation of section 53-247, undergo psychiatric or
482 psychological counseling or participate in an animal cruelty
483 prevention and education program provided such a program exists
484 and is available to the defendant; or (17) satisfy any other conditions
485 reasonably related to the defendant's rehabilitation. The court shall
486 cause a copy of any such order to be delivered to the defendant and to
487 the probation officer, if any.

488 Sec. 519. Subsection (b) of section 53a-35b of the general statutes is
489 repealed and the following is substituted in lieu thereof (*Effective from*
490 *passage*):

491 (b) The maximum term of an indeterminate sentence shall be fixed
492 by the court and specified in the sentence as follows: (1) For a class A
493 felony, life imprisonment; (2) for a class B felony, a term not to exceed
494 twenty years; (3) for a class C felony, a term not to exceed ten years; (4)
495 for a class D felony, a term not to exceed five years; (5) for an
496 unclassified felony, a term in accordance with the sentence specified in
497 the section of the general statutes that defines the crime; and (6) for a
498 capital felony under section 53a-54b in effect prior to the effective date
499 of this section, life imprisonment. [unless a sentence of death is
500 imposed in accordance with section 53a-46a.]

501 Sec. 520. Subsection (a) of section 53a-39a of the general statutes is
502 repealed and the following is substituted in lieu thereof (*Effective from*
503 *passage*):

504 (a) In all cases where a defendant has been convicted of a
505 misdemeanor or a felony, other than a capital felony under section 53a-
506 54b in effect prior to the effective date of this section, a class A felony
507 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-
508 57, 53a-58 or 53a-70b or any other offense for which there is a
509 mandatory minimum sentence which may not be suspended or

510 reduced by the court, after trial or by a plea of guilty without trial, and
511 a term of imprisonment is part of a stated plea agreement or the
512 statutory penalty provides for a term of imprisonment, the court may,
513 in its discretion, order an assessment for placement in an alternate
514 incarceration program under contract with the Judicial Department. If
515 the Court Support Services Division recommends placement in an
516 alternate incarceration program, it shall also submit to the court a
517 proposed alternate incarceration plan. Upon completion of the
518 assessment, the court shall determine whether such defendant shall be
519 ordered to participate in such program as an alternative to
520 incarceration. If the court determines that the defendant shall
521 participate in such program, the court shall suspend any sentence of
522 imprisonment and shall make participation in the alternate
523 incarceration program a condition of probation as provided in section
524 53a-30, as amended by this act.

525 Sec. 521. Subsection (a) of section 53a-40d of the general statutes is
526 repealed and the following is substituted in lieu thereof (*Effective from*
527 *passage*):

528 (a) A persistent offender of crimes involving assault, stalking,
529 trespass, threatening, harassment, criminal violation of a protective
530 order or criminal violation of a restraining order is a person who (1)
531 stands convicted of assault under section 53a-61, stalking under section
532 53a-181d, threatening under section 53a-62, harassment under section
533 53a-183, criminal violation of a protective order under section 53a-223,
534 criminal violation of a restraining order under section 53a-223b or
535 criminal trespass under section 53a-107 or 53a-108, and (2) has, within
536 the five years preceding the commission of the present crime, been
537 convicted of a capital felony under section 53a-54b in effect prior to the
538 effective date of this section, a class A felony, a class B felony, except a
539 conviction under section 53a-86 or 53a-122, a class C felony, except a
540 conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony
541 under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95,
542 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under section
543 53a-61, stalking under section 53a-181d, threatening under section 53a-

544 62, harassment under section 53a-183, criminal violation of a protective
545 order under section 53a-223, criminal violation of a restraining order
546 under section 53a-223b, or criminal trespass under section 53a-107 or
547 53a-108 or has been released from incarceration with respect to such
548 conviction, whichever is later.

549 Sec. 522. Section 53a-46d of the general statutes is repealed and the
550 following is substituted in lieu thereof (*Effective from passage*):

551 A victim impact statement prepared with the assistance of a victim
552 advocate to be placed in court files in accordance with subdivision (2)
553 of subsection (a) of section 54-220 may be read in court prior to
554 imposition of sentence upon a defendant found guilty of a crime
555 punishable by [death] life imprisonment without the possibility of
556 release.

557 Sec. 523. Subsection (a) of section 53a-182b of the general statutes is
558 repealed and the following is substituted in lieu thereof (*Effective from*
559 *passage*):

560 (a) A person is guilty of harassment in the first degree when, with
561 the intent to harass, annoy, alarm or terrorize another person, he
562 threatens to kill or physically injure that person or any other person,
563 and communicates such threat by telephone, or by telegraph, mail,
564 computer network, as defined in section 53a-250, or any other form of
565 written communication, in a manner likely to cause annoyance or
566 alarm and has been convicted of a capital felony under section 53a-54b
567 in effect prior to the effective date of this section, a class A felony, a
568 class B felony, except a conviction under section 53a-86 or 53a-122, a
569 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
570 153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
571 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216. For
572 the purposes of this section, "convicted" means having a judgment of
573 conviction entered by a court of competent jurisdiction.

574 Sec. 524. Subsection (a) of section 53a-217d of the general statutes is
575 repealed and the following is substituted in lieu thereof (*Effective from*

576 passage):

577 (a) A person is guilty of criminal possession of body armor when he
578 possesses body armor and has been (1) convicted of a capital felony
579 under section 53a-54b in effect prior to the effective date of this section,
580 a class A felony, except a conviction under section 53a-196a, a class B
581 felony, except a conviction under section 53a-86, 53a-122 or 53a-196b, a
582 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
583 153 or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
584 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or
585 (2) convicted as delinquent for the commission of a serious juvenile
586 offense, as defined in section 46b-120.

587 Sec. 525. Subsection (b) of section 54-2a of the general statutes is
588 repealed and the following is substituted in lieu thereof (*Effective from*
589 *passage*):

590 (b) The court, judge or judge trial referee issuing a bench warrant
591 for the arrest of the person or persons complained against shall, in
592 cases punishable by [death or] life imprisonment or life imprisonment
593 without the possibility of release, set the conditions of release or
594 indicate that the person or persons named in the warrant shall not be
595 entitled to bail and may, in all other cases, set the conditions of release.
596 The conditions of release, if included in the warrant, shall fix the first
597 of the following conditions which the court, judge or judge trial referee
598 finds necessary to assure such person's appearance in court: (1)
599 Written promise to appear; (2) execution of a bond without surety in
600 no greater amount than necessary; or (3) execution of a bond with
601 surety in no greater amount than necessary.

602 Sec. 526. Subsection (b) of section 54-45 of the general statutes is
603 repealed and the following is substituted in lieu thereof (*Effective from*
604 *passage*):

605 (b) No person shall be put to plea or held to trial for any crime the
606 punishment of which may be [death or imprisonment for] life
607 imprisonment or life imprisonment without the possibility of release,

608 charged by the state before May 26, 1983, unless an indictment has
609 been found against [him] such person for such crime by a grand jury
610 legally impaneled and sworn, and no bill shall be presented by any
611 grand jury unless at least twelve of the jurors agree to it.

612 Sec. 527. Section 54-46 of the general statutes is repealed and the
613 following is substituted in lieu thereof (*Effective from passage*):

614 For all crimes charged by the state on or after May 26, 1983, the
615 prosecution may be by complaint or information. [For all crimes
616 punishable by death or imprisonment for life charged by the state
617 before May 26, 1983, the prosecution shall be by indictment.]

618 Sec. 528. Subsection (a) of section 54-46a of the general statutes is
619 repealed and the following is substituted in lieu thereof (*Effective from*
620 *passage*):

621 (a) No person charged by the state, who has not been indicted by a
622 grand jury prior to May 26, 1983, shall be put to plea or held to trial for
623 any crime punishable by [death or] life imprisonment or life
624 imprisonment without the possibility of release unless the court at a
625 preliminary hearing determines there is probable cause to believe that
626 the offense charged has been committed and that the accused person
627 has committed it. The accused person may knowingly and voluntarily
628 waive such preliminary hearing to determine probable cause.

629 Sec. 529. Section 54-48 of the general statutes is repealed and the
630 following is substituted in lieu thereof (*Effective from passage*):

631 When any crime punishable by [death or] imprisonment for more
632 than one year has been committed, the Governor, upon application of
633 the state's attorney for the judicial district in which it has been
634 committed, may offer, publicly, a reward not exceeding fifty thousand
635 dollars, to the person who gives information leading to the arrest and
636 conviction of the guilty person, or, if such guilty person has fled after
637 conviction of a felony in a court of this state, to the person who gives
638 information leading to the arrest and detention of the convicted felon,

639 whether found within the state or elsewhere, which reward shall be
640 paid to the informer by the state, by order of the court before which
641 such conviction is had.

642 Sec. 530. Section 54-53 of the general statutes is repealed and the
643 following is substituted in lieu thereof (*Effective from passage*):

644 Each person detained in a community correctional center pursuant
645 to the issuance of a bench warrant of arrest or for arraignment,
646 sentencing or trial for [an offense not punishable by death] any offense
647 shall be entitled to bail and shall be released from such institution
648 upon entering into a recognizance, with sufficient surety, or upon
649 posting cash bail as provided in section 54-66, for the detained person's
650 appearance before the court having cognizance of the offense, to be
651 taken by any person designated by the Commissioner of Correction at
652 the institution where the person is detained. The person so designated
653 shall deliver the recognizance or cash bail to the clerk of the
654 appropriate court before the opening of the court on the first court day
655 thereafter. When cash bail in excess of ten thousand dollars is received
656 for a detained person accused of a felony, where the underlying facts
657 and circumstances of the felony involve the use, attempted use or
658 threatened use of physical force against another person, the person so
659 designated shall prepare a report that contains (1) the name, address
660 and taxpayer identification number of the detained person, (2) the
661 name, address and taxpayer identification number of each person
662 offering the cash bail, other than a person licensed as a professional
663 bondsman under chapter 533 or a surety bail bond agent under
664 chapter 700f, (3) the amount of cash received, and (4) the date the cash
665 was received. Not later than fifteen days after receipt of such cash bail,
666 the person so designated shall file the report with the Department of
667 Revenue Services and mail a copy of the report to the state's attorney
668 for the judicial district in which the alleged offense was committed and
669 to each person offering the cash bail.

670 Sec. 531. Subsection (a) of section 54-53a of the general statutes is
671 repealed and the following is substituted in lieu thereof (*Effective from*

672 passage):

673 (a) No person who has not made bail may be detained in a
674 community correctional center pursuant to the issuance of a bench
675 warrant of arrest or for arraignment, sentencing or trial for [an offense
676 not punishable by death,] any offense for longer than forty-five days,
677 unless at the expiration of the forty-five days [he] such person is
678 presented to the court having cognizance of the offense. On each such
679 presentment, the court may reduce, modify or discharge the bail, or
680 may for cause shown remand the person to the custody of the
681 Commissioner of Correction. On the expiration of each successive
682 forty-five-day period, the person may again by motion be presented to
683 the court for such purpose.

684 Sec. 532. Section 54-82 of the general statutes is repealed and the
685 following is substituted in lieu thereof (*Effective from passage*):

686 (a) In any criminal case, prosecution or proceeding, the [party]
687 accused may, if [he] the accused so elects when called upon to plead,
688 be tried by the court instead of by the jury; and, in such case, the court
689 shall have jurisdiction to hear and try such case and render judgment
690 and sentence thereon.

691 (b) If the accused is charged with a crime punishable by [death or
692 imprisonment for] life imprisonment or life imprisonment without the
693 possibility of release and elects to be tried by the court, the court shall
694 be composed of three judges to be designated by the Chief Court
695 Administrator, or [his] the Chief Court Administrator's designee, who
696 shall name one such judge to preside over the trial. Such judges, or a
697 majority of them, shall have power to decide all questions of law and
698 fact arising upon the trial and render judgment accordingly.

699 (c) If the [party] accused does not elect to be tried by the court, [he]
700 the accused shall be tried by a jury of six except that no person [,]
701 charged with an offense which is punishable by [death or] life
702 imprisonment [,] or life imprisonment without the possibility of release
703 shall be tried by a jury of less than twelve without [his] such person's

704 consent.

705 Sec. 533. Section 54-82g of the general statutes is repealed and the
706 following is substituted in lieu thereof (*Effective from passage*):

707 The accused may challenge peremptorily, in any criminal trial
708 before the Superior Court for any offense punishable by [death] life
709 imprisonment without the possibility of release, twenty-five jurors; for
710 any offense punishable by [imprisonment for] life imprisonment,
711 fifteen jurors; for any offense the punishment for which may be
712 imprisonment for more than one year and for less than life, six jurors;
713 and for any other offense, three jurors. In any criminal trial in which
714 the accused is charged with more than one count on the information or
715 where there is more than one information, the number of challenges is
716 determined by the count carrying the highest maximum punishment.
717 The state, on the trial of any criminal prosecution, may challenge
718 peremptorily the same number of jurors as the accused.

719 Sec. 534. Subsection (a) of section 54-82h of the general statutes is
720 repealed and the following is substituted in lieu thereof (*Effective from*
721 *passage*):

722 (a) In any criminal prosecution to be tried to the jury in the Superior
723 Court if it appears to the court that the trial is likely to be protracted,
724 the court may, in its discretion, direct that, after a jury has been
725 selected, two or more additional jurors shall be added to the jury
726 panel, to be known as "alternate jurors". Such alternate jurors shall
727 have the same qualifications and be selected and subject to
728 examination and challenge in the same manner and to the same extent
729 as the jurors constituting the regular panel, provided, in any case when
730 the court directs the selection of alternate jurors, the number of
731 peremptory challenges allowed shall be as follows: In any criminal
732 prosecution the state and the accused may each peremptorily
733 challenge thirty jurors if the offense for which the accused is arraigned
734 is punishable by [death] life imprisonment without the possibility of
735 release, eighteen jurors if the offense is punishable by life

736 imprisonment, eight jurors if the offense is punishable by
737 imprisonment for more than one year and for less than life, and four
738 jurors in any other case.

739 Sec. 535. Section 54-82j of the general statutes is repealed and the
740 following is substituted in lieu thereof (*Effective from passage*):

741 Upon the written complaint of any state's attorney addressed to the
742 clerk of the superior court for the judicial district wherein such state's
743 attorney resides, alleging (1) that a person named therein is or will be a
744 material witness in a criminal proceeding then pending before or
745 returnable to the superior court for such judicial district, and in which
746 proceeding any person is or may be charged with an offense
747 punishable by [death or] imprisonment for more than one year, and (2)
748 that the state's attorney believes that such witness is likely to disappear
749 from the state, secrete himself or herself or otherwise avoid the service
750 of subpoena upon him or her, or refuse or fail to appear and attend in
751 and before such superior court as a witness, when desired, the clerk or
752 any assistant clerk of the court shall issue a warrant addressed to any
753 proper officer or indifferent person, for the arrest of the person named
754 as a witness, and directing that such person be forthwith brought
755 before any judge of the superior court for such judicial district, for
756 examination. The person serving the warrant shall bring the person so
757 arrested before the judge for examination as soon as is reasonably
758 possible and hold [him] such arrested person subject to the further
759 orders of the judge. The person serving the warrant shall also notify
760 the state's attorney of such arrest and of the time and place of such
761 examination.

762 Sec. 536. Section 54-83 of the general statutes is repealed and the
763 following is substituted in lieu thereof (*Effective from passage*):

764 No person may be convicted of any crime punishable by [death] life
765 imprisonment without the possibility of release without the testimony
766 of at least two witnesses, or that which is equivalent thereto.

767 Sec. 537. Subsection (a) of section 54-91a of the general statutes is

768 repealed and the following is substituted in lieu thereof (*Effective from*
769 *passage*):

770 (a) No defendant convicted of a crime, other than a capital felony
771 under section 53a-54b in effect prior to the effective date of this section,
772 or murder with special circumstances under section 53a-54b, as
773 amended by this act, in effect on or after the effective date of this
774 section, the punishment for which may include imprisonment for more
775 than one year, may be sentenced, or the defendant's case otherwise
776 disposed of, until a written report of investigation by a probation
777 officer has been presented to and considered by the court, if the
778 defendant is so convicted for the first time in this state; but any court
779 may, in its discretion, order a presentence investigation for a defendant
780 convicted of any crime or offense other than a capital felony under
781 section 53a-54b in effect prior to the effective date of this section, or
782 murder with special circumstances under section 53a-54b, as amended
783 by this act, in effect on or after the effective date of this section.

784 Sec. 538. Section 54-95 of the general statutes is repealed and the
785 following is substituted in lieu thereof (*Effective from passage*):

786 (a) Any defendant in a criminal prosecution, aggrieved by any
787 decision of the Superior Court, upon the trial thereof, or by any error
788 apparent upon the record of such prosecution, may be relieved by
789 appeal, petition for a new trial or writ of error, in the same manner and
790 with the same effect as in civil actions. No appeal may be taken from a
791 judgment denying a petition for a new trial unless, within ten days
792 after the judgment is rendered, the judge who heard the case or a judge
793 of the Supreme Court or the Appellate Court, as the case may be,
794 certifies that a question is involved in the decision which ought to be
795 reviewed by the Supreme Court or by the Appellate Court. It shall be
796 sufficient service of any such writ of error or petition for a new trial to
797 serve it upon the state's attorney for the judicial district where it is
798 brought.

799 (b) When such defendant is convicted and sentenced to a term of

800 imprisonment and, within two weeks after final judgment, files with
801 the clerk of the court wherein the conviction was had an appeal to the
802 Supreme Court or gives oral or written notice of his intention to appeal
803 to said court or to petition for a new trial, the appeal or the notice shall
804 operate as a stay of execution pending the final determination of the
805 case, provided the defendant is admitted to bail, except the appeal or
806 the notice shall not operate as a stay of execution, if within five days
807 after the filing of the appeal or notice thereof, the judge before whom
808 the criminal prosecution was tried directs in writing that the appeal or
809 the notice shall not operate as a stay of execution. Such order shall be
810 accompanied by a written statement of the judge's reasons for denying
811 the stay of execution. The order and the statement shall become a part
812 of the files and record of the case. If any defendant has been admitted
813 to bail following an oral or written notice of intent to appeal or petition
814 for a new trial and such defendant has failed, within twenty days after
815 the judgment from which the appeal is to be taken, or such further
816 period as the court may grant, to perfect the appeal or petition, a
817 mittimus for his arrest shall issue. If any defendant is imprisoned after
818 sentencing and before he is admitted to bail, such period of
819 imprisonment shall be counted toward satisfaction of his sentence. If
820 any defendant is admitted to bail and subsequently surrendered and
821 remitted to custody while his appeal is pending, the period of
822 imprisonment following thereafter shall be counted toward
823 satisfaction of his sentence.

824 [(c) In any criminal prosecution in which the defendant has been
825 sentenced to death and has taken an appeal to the Supreme Court of
826 this state or the Supreme Court of the United States or brought a writ
827 of error, writ of certiorari or petition for a new trial, the taking of the
828 appeal, the making of the application for a writ of certiorari or the
829 return into court of the writ of error or petition for a new trial shall,
830 unless, upon application by the state's attorney and after hearing, the
831 Supreme Court otherwise orders, stay the execution of the death
832 penalty until the clerk of the court where the trial was had has received
833 notification of the termination of any such proceeding by decision or

834 otherwise, and for thirty days thereafter. No appellate procedure shall
835 be deemed to have terminated until the end of the period allowed by
836 law for the filing of a motion for reargument, or, if such motion is filed,
837 until the proceedings consequent thereon are finally determined.
838 When execution is stayed under the provisions of this section, the clerk
839 of the court shall forthwith give notice thereof to the warden of the
840 institution in which such defendant is in custody. If the original
841 judgment of conviction has been affirmed or remains in full force at the
842 time when the clerk has received the notification of the termination of
843 any proceedings by appeal, writ of certiorari, writ of error or petition
844 for a new trial, and the day designated for the infliction of the death
845 penalty has then passed or will pass within thirty days thereafter, the
846 defendant shall, within said period of thirty days, upon an order of the
847 court in which the judgment was rendered at a regular or special
848 criminal session thereof, be presented before said court by the warden
849 of the institution in which the defendant is in custody or his deputy,
850 and the court, with the judge assigned to hold the session presiding,
851 shall thereupon designate a day for the infliction of the death penalty
852 and the clerk of the court shall issue a warrant of execution, reciting
853 therein the original judgment, the fact of the stay of execution and the
854 final order of the court, which warrant shall be forthwith served upon
855 the warden or his deputy.]

856 Sec. 539. Subsection (b) of section 54-125a of the general statutes is
857 repealed and the following is substituted in lieu thereof (*Effective from*
858 *passage*):

859 (b) (1) No person convicted of any of the following offenses, which
860 was committed on or after July 1, 1981, shall be eligible for parole
861 under subsection (a) of this section: Capital felony, as provided in
862 section 53a-54b in effect prior to the effective date of this section, or
863 murder with special circumstances, as provided in section 53a-54b, as
864 amended by this act, in effect on or after the effective date of this
865 section, felony murder, as provided in section 53a-54c, arson murder,
866 as provided in section 53a-54d, murder, as provided in section 53a-54a,
867 or aggravated sexual assault in the first degree, as provided in section

868 53a-70a. (2) A person convicted of an offense, other than an offense
869 specified in subdivision (1) of this subsection, where the underlying
870 facts and circumstances of the offense involve the use, attempted use
871 or threatened use of physical force against another person shall be
872 ineligible for parole under subsection (a) of this section until such
873 person has served not less than eighty-five per cent of the definite
874 sentence imposed.

875 Sec. 540. Subsection (d) of section 54-125d of the general statutes is
876 repealed and the following is substituted in lieu thereof (*Effective from*
877 *passage*):

878 (d) Notwithstanding any provision of the general statutes, a
879 sentencing court may refer any person convicted of an offense other
880 than a capital felony under section 53a-54b in effect prior to the
881 effective date of this section or a class A felony who is an alien to the
882 Board of Pardons and Paroles for deportation under this section.

883 Sec. 541. Subsection (a) of section 54-130a of the general statutes is
884 repealed and the following is substituted in lieu thereof (*Effective from*
885 *passage*):

886 (a) Jurisdiction over the granting of, and the authority to grant,
887 commutations of punishment or releases, conditioned or absolute, in
888 the case of any person convicted of any offense against the state [and
889 commutations from the penalty of death] shall be vested in the Board
890 of Pardons and Paroles.

891 Sec. 542. Section 54-130d of the general statutes is repealed and the
892 following is substituted in lieu thereof (*Effective from passage*):

893 (a) For the purposes of this section, "victim" means a person who is
894 a victim of a crime, the legal representative of such person or a
895 member of a deceased victim's immediate family.

896 (b) At a session held by the Board of Pardons and Paroles to
897 consider whether to grant a commutation of punishment or release,

898 conditioned or absolute, [a commutation from the penalty of death] or
899 a pardon, conditioned or absolute, to any person convicted of any
900 crime, the board shall permit any victim of the crime for which the
901 person was convicted to appear before the board for the purpose of
902 making a statement for the record concerning whether the convicted
903 person should be granted such commutation, release or pardon. In lieu
904 of such appearance, the victim may submit a written statement to the
905 board and the board shall make such statement a part of the record at
906 the session.

907 (c) If the Board of Pardons and Paroles is prepared to grant a
908 commutation of punishment or release, conditioned or absolute, [a
909 commutation from the penalty of death] or a pardon, conditioned or
910 absolute, to a person convicted of an offense involving the use,
911 attempted use or threatened use of physical force against another
912 person or resulting in the physical injury, serious physical injury or
913 death of another person, it shall make reasonable efforts to locate and
914 notify any victim of the crime for which such person was convicted
915 prior to granting such commutation, release or pardon and shall
916 permit such victim to appear before the board and make a statement or
917 submit a statement as provided in subsection (b) of this section.

918 (d) Upon the granting to any person of a commutation of
919 punishment or release, conditioned or absolute, [a commutation from
920 the penalty of death] or a pardon, conditioned or absolute, the Board
921 of Pardons and Paroles shall forthwith notify the Office of Victim
922 Services of its action.

923 Sec. 543. Section 54-131b of the general statutes is repealed and the
924 following is substituted in lieu thereof (*Effective from passage*):

925 The Board of Pardons and Paroles may release on medical parole
926 any inmate serving any sentence of imprisonment, except an inmate
927 convicted of a capital felony [as defined in] under section 53a-54b in
928 effect prior to the effective date of this section or murder with special
929 circumstances under section 53a-54b, as amended by this act, in effect

930 on or after the effective date of this section, who has been diagnosed
931 pursuant to section 54-131c as suffering from a terminal condition,
932 disease or syndrome, and is so debilitated or incapacitated by such
933 condition, disease or syndrome as to be physically incapable of
934 presenting a danger to society. Notwithstanding any provision of the
935 general statutes to the contrary, the Board of Pardons and Paroles may
936 release such inmate at any time during the term of his sentence.

937 Sec. 544. Section 54-148 of the general statutes is repealed and the
938 following is substituted in lieu thereof (*Effective from passage*):

939 The support of prisoners in community correctional centers [.] or
940 sentenced to a correctional institution [, or sentenced to death,] shall be
941 paid by the state.

942 Sec. 545. Section 54-193 of the general statutes is repealed and the
943 following is substituted in lieu thereof (*Effective from passage*):

944 (a) There shall be no limitation of time within which a person may
945 be prosecuted for a capital felony under section 53a-54b in effect prior
946 to the effective date of this section, a class A felony or a violation of
947 section 53a-54d or 53a-169.

948 (b) No person may be prosecuted for any offense, except a capital
949 felony under section 53a-54b in effect prior to the effective date of this
950 section, a class A felony or a violation of section 53a-54d or 53a-169, for
951 which the punishment is or may be imprisonment in excess of one
952 year, except within five years next after the offense has been
953 committed. No person may be prosecuted for any other offense, except
954 a capital felony under section 53a-54b in effect prior to the effective
955 date of this section, a class A felony or a violation of section 53a-54d or
956 53a-169, except within one year next after the offense has been
957 committed.

958 (c) If the person against whom an indictment, information or
959 complaint for any of said offenses is brought has fled from and resided
960 out of this state during the period so limited, it may be brought against

961 such person at any time within such period, during which such person
962 resides in this state, after the commission of the offense.

963 (d) When any suit, indictment, information or complaint for any
964 crime may be brought within any other time than is limited by this
965 section, it shall be brought within such time.

966 Sec. 546. Subsection (b) of section 54-102jj of the general statutes is
967 repealed and the following is substituted in lieu thereof (*Effective from*
968 *passage*):

969 (b) Upon the conviction of a person of a capital felony under section
970 53a-54b in effect prior to the effective date of this section or murder
971 with special circumstances under section 53a-54b, as amended by this
972 act, in effect on or after the effective date of this section or the
973 conviction of a person of a crime after trial, or upon order of the court
974 for good cause shown, the state police, all local police departments,
975 any agent of the state police or a local police department and any other
976 person to whom biological evidence has been transferred shall
977 preserve all biological evidence acquired during the course of the
978 investigation of such crime for the term of such person's incarceration.

979 Sec. 547. Subsection (a) of section 54-131k of the general statutes is
980 repealed and the following is substituted in lieu thereof (*Effective from*
981 *passage*):

982 (a) The Board of Pardons and Paroles may grant a compassionate
983 parole release to any inmate serving any sentence of imprisonment,
984 except an inmate convicted of a capital felony, [as defined in] under
985 section 53a-54b in effect prior to the effective date of this section or
986 murder with special circumstances under section 53a-54b, as amended
987 by this act, in effect on or after the effective date of this section, if it
988 finds that such inmate (1) is so physically or mentally debilitated,
989 incapacitated or infirm as a result of advanced age or as a result of a
990 condition, disease or syndrome that is not terminal as to be physically
991 incapable of presenting a danger to society, and (2) (A) has served not
992 less than one-half of such inmate's definite or aggregate sentence, or

993 (B) has served not less than one-half of such inmate's remaining
994 definite or aggregate sentence after commutation of the original
995 sentence by the Board of Pardons and Paroles.

996 Sec. 548. Sections 18-10a, 53a-46a, 53a-46b, 53a-46c, 54-99, 54-100, 54-
997 100a, 54-101 and 54-102 of the general statutes are repealed. (*Effective*
998 *from passage*)"